

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TANG CAPITAL PARTNERS, LP.,

Plaintiff,

- against -

BRC Inc.,

Defendant.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/27/2023

22-CV-3476 (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiff Tang's challenge to Defendant BRC's claim of attorney-client privilege and/or common interest privilege with respect to 64 documents. (See Dkt. 115, 117, 121.) The Court has considered the parties' arguments, read the Declaration of BRC's general counsel Andrew McCormick, and reviewed each of the 64 documents in camera. The claims of privilege are upheld with respect to all documents except for document 156, which concerns only logistics for meeting without any substantive protected communication. Contrary to Tang's admonition that upholding privilege here would allow assertion of privilege over everyday, routine corporate communications, the communications at issue here are specifically focused on requesting or providing information for legal advice for compliance with securities regulations and/or mitigation of potential litigation. Accordingly, by December 1, 2023, BRC shall produce document 156.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 27, 2023
New York, New York